

TOWN COUNCIL

STAFF REPORT EXECUTIVE DEPARTMENT



MEETING DATE:	August 9, 2015
PROJECT:	Dock Ordinance (Final Reading)
PROJECT MANAGER:	Scott Marshall, Deputy Town Manager

RECOMMENDATION:

Upon this second and final reading, Town Council approve proposed amendments to the Town of Bluffton Code of Ordinances, Chapter 22, *Streets, Sidewalks, and Other Public Property*, Article V, *Bluffton Dock*.

BACKGROUND:

With the recent renovation and assumption of management of Oyster Factory Park, activity associated with the new dock and the enhanced boat landing has increased. The increase in activity, associated with the ownership of three docks (Oyster Factory Park, Calhoun Street and Palmetto Bluff) calls for a more comprehensive set of laws to ensure safe operation and uniform compliance at these venues.

The language of the existing ordinance addresses the "Bluffton Dock," and does not specify which dock. Further, it does not address boat landings. The proposed amendment retains original language pertaining to dock use and rules. Several sections have been added to provide general prohibitions, expand on the dock rules already codified, and to establishing boat landing rules.

HIGHLIGHTS OF ORDINANCE (AS AMENDED):

General Prohibitions

- No fires allowed on Town docks, landings, or piers.
- No overnight camping.

Dock Rules

- A vessel shall not be allowed to dock at any one facility for more than three cumulative hours in a 24-hour period. Exceptions to this rule may be granted by the Town Manager on a case-by-case basis.
- Town Manager is authorized to post signs limiting the time to three hours during which a vessel may be docked or gear may be placed at or on any Town dock. When the loading or unloading operation is complete, the vessel shall move to the extreme end of the main dock. May not obstruct any pier, dock, wharf, boat ramp, or the access area to the facilities.

- Emergency vehicles shall have priority over all other vehicles.
- No motor vehicles on docks.
- Any exception to these rules and regulations shall be decided by the Town Manager.
- No littering of the dock area shall be permitted.

Landing Rules

- Vehicles ready to recover vessels or watercraft have preference over those ready to launch, the order being on a first-come basis.
- May not obstruct any pier, dock, wharf, boat ramp or the access areas to the facilities.
- Any vessel, vehicle or other object which obstructs any of the facilities or the access to them may be removed.
- Town Manager is empowered to remove any watercraft, vessel, or vehicle that has been abandoned (unattended for more than 24 hours).
- Oystermen, crabbers, other commercial fishermen, and other commercial users may use the Town's public landings where permitted to launch and unload their boats. However, they must manage their launching and unloading operations so that whenever another citizen needs to use the landing to get into or out of the water, the other citizen will have no longer than a 15-minute wait for the commercial vehicles and boats to clear space on the landing.
- The use of accessways and public boat landings shall be for placement in the water and the retrieving of boats from the water.
- Unlawful to park, stop, or leave standing, whether attended or unattended, any vehicle, obstruction, or watercraft in or on any public boat landing:
 - That is blocking, obstructing, or limiting the use of dock or access area;
 - For any purpose not related to public access for fishing and boating, loading and unloading boating passengers, supplies, boats and boating gear, or other similar purposes; or
 - Contrary to any posted notice prohibiting parking in a given area.
- Under no circumstance shall any vehicle be parked at a public boat landing for more than 24 consecutive hours without express permission from the Town Manager.
- Fishing is allowed at public boat landings as long as it does not interfere with boaters.

Penalties

- Any person violating any section of the ordinance is guilty of a misdemeanor and, upon conviction thereof, shall pay such penalties as the court may decide, not to exceed \$200.00 or not to exceed 30 days' imprisonment for each violation.
- Each day during which such conduct shall continue shall constitute a separate violation which shall subject the offender to liability prescribed in this section.

DISCUSSION:

The language that has been added was modeled after the Beaufort County Ordinance on boat landings and docks. Also taken into consideration was SC Code of Laws Title 50, Chapter 21, Section 148, a copy of which is attached to this report.

Comments from Town Council during first reading at the July meeting regarding length of time a vessel is allowed to dock, prioritization of boat ramp use and penalties were all considered when drafting the amended ordinance for second reading. Length of time a vessel is allowed to dock was changed from four hours to three hours within a 24-hour period. Additionally, the time period before a vessel may be considered abandoned was reduced from 48 hours to 24 hours. Language in the amended ordinance is clear regarding general recreational use of the facility taking priority over commercial use.

Lastly, the request for escalating penalties was considered, but was not incorporated. Specifying the escalation of penalties would be uncharacteristic of a misdemeanor associated with this ordinance. Violations of the ordinance may result in multiple infractions/penalties, as warranted. Additionally, the Town reserves the right to restrict use of the facility to habitual violators through issuance of a no trespass order.

Attached are several documents. Attachment 1 is the Ordinance for consideration, with Exhibit "A," the proposed ordinance as amended. Attachment 2 is the existing ordinance. Attachment 3 is a copy of SC Code of Laws, §50-21-148.

ATTACHMENTS:

1. Ordinance to Amend Town of Bluffton Code of Ordinances, Chapter 22, Section V (w/ proposed amended ordinance)
2. Existing Town of Bluffton Code of Ordinances, Chapter 22, Section V
3. SC Code of Laws, §50-21-148

ORDINANCE NO. 2016 –

TOWN OF BLUFFTON, SOUTH CAROLINA

AN ORDINANCE AMENDING CHAPTER 22 OF THE TOWN CODE, STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTY, BY AMENDING ARTICLE V, BLUFFTON DOCK, FOR THE PURPOSE OF ESTABLISHING UNIFORM RULES FOR THE REGULATION AND SAFE OPERATION OF ALL BOAT DOCKS AND LANDINGS UNDER JURISDICTION OF THE TOWN OF BLUFFTON.

WHEREAS, the Town of Bluffton desires to improve the general safety, welfare, health and properties of the citizens of the Town of Bluffton; and,

WHEREAS, to establish the necessary provisions to accomplish the above, the Town of Bluffton has the authority to enact resolutions, ordinances, regulations, and procedures pursuant to Section 5-7-140 of the South Carolina Code of Laws, 1976, as amended; and,

WHEREAS, the Town of Bluffton Town Council shall from time to time examine ordinances to ensure that they are properly regarded, enforced, sufficient and satisfactory to the needs of the community and can further suggest amendments as Town Council deems appropriate; and,

WHEREAS, the Town of Bluffton Town Council desires to amend Chapter 22, Streets, Sidewalks, and Other Public Property by amending Article V, Bluffton Dock, to enable the Town of Bluffton to better regulate, supervise and provide for fair and safe operations of Town docks and landings;

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, in accordance with the foregoing, the Town hereby amends the Code of Ordinances for the Town of Bluffton as follows:

SECTION 1. AMENDMENT. The Town of Bluffton hereby amends Chapter 22 of the Code of Ordinances for the Town of Bluffton, South Carolina, by amending Chapter 22, Article V, Bluffton Dock, as shown on Exhibit “A” attached hereto and fully incorporated herein by reference.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances that are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon adoption.

DONE, RATIFIED AND ENACTED this ____ day of _____, 2016.

This Ordinance was read and passed at first reading on _____, 2016.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Sandra Lunceford, Clerk
Town of Bluffton, South Carolina

This Ordinance was read and passed at second reading on _____, 2016.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Sandra Lunceford, Clerk
Town of Bluffton, South Carolina

EXHIBIT "A"

ARTICLE V. - BLUFFTON LANDINGS AND DOCKS

FOOTNOTE(S):

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Editor's note— Act No. 1348, Acts and Joint Resolutions of South Carolina, 1968, provides that: "Police Jurisdiction Over Town Docks—The Police Department of The Town of Bluffton in Beaufort Town shall have general police jurisdiction over the Town docks in the Town."

Sec. 22-126. - Applicability.

This article applies to all landings, docks and piers under the jurisdiction of the Town of Bluffton.

Sec. 22-127. – Purpose.

Town docks and landings are maintained by the Town for the purposes of public access for fishing and boating; loading and unloading passengers, supplies, boats and boating gear; and for similar purposes. It is the policy of the Town to maintain and regulate such facilities in a manner that will permit the greatest public use and avoid continuous occupancy, congestion or blocking thereof.

Sec. 22-128. - General Prohibitions.

- (a) Fires. No fires are allowed on Town docks, landings, or piers.
- (b) Camping. No overnight camping of any type shall be permitted on Town docks, landings, or piers.
- (c) Structural alterations. No person or agency shall build, maintain, extend or make structural alterations on any Town landing, dock, or pier without first obtaining a written permit to do so from the Town Manager.

Sec. 22-129. – Dock Rules.

- (a) Blocking and congesting of Town docks. To ensure public use and avoid extensive occupancy, congestion or blocking of Town docks, the Town Manager is authorized to post signs limiting the time to three hours during which a vessel may be docked or gear may be placed at or on any Town dock. When the loading or unloading operation is complete, the vessel shall move to the extreme end of the main dock.
- (b) Maximum docking time of three Hours. A vessel shall not be allowed to dock at any one facility for more than three cumulative hours in a 24-hour period. Exceptions to this rule may be granted by the Town Manager on a case-by-case basis.
- (c) Vessels needing repair. Vessels needing engine repairs shall moor to the extreme end of the main dock and shall get under way as soon as repairs are made, but in no case shall this period exceed 24 hours. In such cases, the vessel operator must contact the Bluffton Police Department at (843) 706-4550.
- (d) It is unlawful to obstruct any pier, dock, wharf, boat ramp, or the access area to the facilities. Any vessel, vehicle, or other object which obstructs any of the facilities or the access to them may be removed entirely at the risk and expense of the owner.
- (e) Priority of emergency vehicles. Emergency vehicles shall have priority over all other vehicles at all Town docks, landings and piers.
- (f) Securing vessels. Every vessel tying up at any Town dock shall be fastened thereto with such lines, at least from both bow and stern, and in such manner as to ensure the security of such vessel.
- (g) Fueling vessels. No person shall fuel any vessel on Town docks with any petroleum product directly from a tank wagon or truck.
- (h) Motor vehicles on dock. No person shall drive any motor vehicle upon any Town dock, except where there are signs authorizing vehicular traffic. Signs must specify what vehicular traffic is permitted. No person shall drive any motor vehicle upon any Town dock except to discharge or load supplies or passengers to or from a vessel

or permit any motor vehicle to remain upon any such dock except when actually engaged in discharging or loading such supplies or passengers.

- (i) Any exception to these rules and regulations shall be decided by the Town Manager.
- (j) Any damage to the floating or main dock by a vessel or person shall be paid for by the owner or the responsible person. Such payment shall be the actual amount of the damage and paid to the Town.
- (k) No littering of the dock area shall be permitted.

(Code 1999, § 20.101)

Sec. 22-130. Landing Rules.

- (a) Launching and recovery. Vehicles ready to recover vessels or watercraft from the water shall have preference over those ready to launch, the order being on a first-come basis.
- (b) Unattended or abandoned vehicles and watercraft. The following shall apply to unattended or abandoned watercraft in access areas of landings:
 - (1) It is unlawful to obstruct any pier, dock, wharf, boat ramp or the access areas to the facilities.
 - (2) Any vessel, vehicle or other object left unattended which obstructs any of the facilities or the access to them may be removed entirely at the risk and expense of the owner.
 - (3) The Town Manager is empowered to remove any watercraft, vessel, or vehicle that has been abandoned. A watercraft, vessel, or vehicle will be deemed abandoned if it is left unattended at a public boat landing for more than 24 hours unless express permission is obtained from the Town Manager.
- (c) Oystermen, crabbers, commercial fishermen, and other commercial uses. Oystermen, crabbers, other commercial fishermen, and other commercial users may use the Town's public landings where permitted to launch and unload their boats. However, they must manage their launching and unloading operations so that whenever another citizen needs to use the landing to get into or out of the water, the other citizen will have no longer than a 15-minute wait for the commercial vehicles and boats to clear space on the landing.
- (d) Parking of vehicles and watercraft. The use of accessways and public boat landings shall be for placement in the water and the retrieving of boats from the water.
 - (1) It shall be unlawful for any person or owner to allow the parking, stopping, or leave standing, whether attended or unattended, any vehicle, obstruction, or watercraft in or on any public boat landing:
 - (a) That is blocking, obstructing, or limiting the use of dock or access area;
 - (b) For any purpose not related to public access for fishing and boating, loading and unloading boating passengers, supplies, boats and boating gear, or other similar purposes; or
 - (c) Contrary to any posted notice prohibiting parking in a given area.
 - (2) Under no circumstance shall any vehicle be parked at a public boat landing for more than 24 consecutive hours without express permission from the Town Manager.
- (e) Fishing at public boat landings. Fishing is allowed at public boat landings as long as it does not interfere with the launching or recovery of watercraft, or the loading and unloading of passengers. Boaters shall have priority of use of the public boat landing.
- (f) Government and emergency agency use. The Town Manager may utilize any public boat landing for any governmental use at his discretion. Other governmental agencies wishing to utilize a public boat landing for purposes other than emergency services such as medical services, law enforcement, fire control, search and rescue, or for the ordinary use of the boat landing as set forth above, must obtain approval for that use from the Town Manager.

Sec. 22-131. Penalties.

Any person violating any section of this division shall be guilty of a misdemeanor and, upon conviction thereof, shall pay such penalties as the court may decide, not to exceed \$200.00 or not to exceed 30 days' imprisonment for each violation. Each day during which such conduct shall continue shall constitute a separate violation which shall subject the offender to liability prescribed in this section.

Sec. 22-132. Enforcement

The responsibility to enforce the rules and regulations set forth in this article is hereby vested in the Police Department of the Town.

ARTICLE V. - BLUFFTON DOCK

FOOTNOTE(S):

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Editor's note— Act No. 1348, Acts and Joint Resolutions of South Carolina, 1968, provides that: "Police Jurisdiction Over County Docks—The Police Department of The Town of Bluffton in Beaufort County shall have general police jurisdiction over the County docks in the Town."

Sec. 22-126. - Rules and regulations.

(a) The following rules and regulations are hereby adopted:

- (1) Vessels shall not moor to the floating dock except for the purpose of loading or unloading. When the loading or unloading operation is complete, the vessel shall move to the extreme end of the main dock, but in no case shall this period exceed four hours.
- (2) Vessels needing engine repairs shall moor to the extreme end of the main dock and shall get under way as soon as repairs are made, but in no case shall this period exceed 24 hours.
- (3) Any exception to these rules and regulations shall be decided by the Town Manager.
- (4) Any damage to the floating or main dock by a vessel or person shall be paid for by the owner or the responsible person. Such payment shall be the actual amount of the damage and paid to the County.
- (5) No littering of the dock area shall be permitted.

(b) The responsibility to enforce the rules and regulations set forth in this article is hereby vested in the Police Department of the Town.

(Code 1999, § 20.101)

SECTION 50-21-148. Prohibition against obstruction of pier, dock, wharf, boat ramp, or access areas; erection of signs; penalties for violation.

It is unlawful to obstruct any pier, dock, wharf, boat ramp, or the access area to the facilities. Any vessel, vehicle, or other object left unattended which obstructs any of the facilities or the access to them may be removed entirely at the risk and expense of the owner. The department, with the advice of the Department of Transportation, shall erect signs at appropriate locations advertising the provisions of this section. Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction must be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1986 Act No. 378, Section 1; 1993 Act No. 181, Section 1269.